



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Application No. | : | 10/016,941 |
| Applicant | : | Errico, et al. |
| Confirmation No. | : | 3865 |
| Filing Date | : | December 13, 2001 |
| Docket No. | : | 7146.0121 |
| Customer No. | : | 55648 |
| Title | : | SYSTEM FOR PRESENTING AUDIO-VIDEO CONTENT |

INFORMATION DISCLOSURE STATEMENT

Chernoff, Vilhauer, McClung & Stenzel
601 SW Second Avenue
Suite 1600
Portland, Oregon 97204-3157

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.97(g), the submission of this Information Disclosure Statement (IDS) is not to be construed as a representation that a search has been made, and, in accordance with 37 CFR §1.97(h), the submission of this Information Disclosure Statement is not to be construed as an admission that any patent or publication or combination of patents referred to herein is, or is considered to be, material to patentability under 37 CFR §1.56(b) unless specifically designated as such.

This IDS is being submitted under one or more of the following three (3) sections of 37 CFR §1.97:

1. **37 CFR §1.97(b)**: (1) within three months of the filing date of a national application under §1.53(d); (2) within three months of the date of entry of the national stage in an international application; (3) before the mailing of a first Office Action on the merits; or (4) before the mailing of a first Office Action after filing a Request for Continued Examination

2. **37 CFR §1.97(c)**: *before* the mailing of a Final Office Action, Notice of Allowance, or action that otherwise closes prosecution

And, ONE of the following:

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(1) Pursuant to 37 CFR §1.97(e)

- (e)(1) The person signing below certifies that *each* item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- (e)(2) The person signing below certifies that *no* item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing below after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS

OR

(2) Pursuant to 37 CFR §1.17(p)

- A check in the amount of \$ _____ is enclosed
- PTO Form 2038 authorizing credit card payment of \$180.00
is enclosed
- This submission is being made electronically and the fee is being paid by credit card via EFS-Web

3. 37 CFR §1.97(d): *after* the mailing of a Final Office Action, Notice of Allowance, or action that otherwise closes prosecution but before payment of Issue Fee

And BOTH of the following:

(1) Pursuant to 37 CFR §1.97(e)

- (e)(1) The person signing below certifies that *each* item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- (e)(2) The person signing below certifies that *no* item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing below after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

AND

(2) Pursuant to 37 CFR §1.17(p)

- A check in the amount of \$ _____ is enclosed
- PTO Form 2038 authorizing credit card payment of \$ _____ is enclosed
- This submission is being made electronically and the fee is being paid by credit card via EFS-Web

Pursuant to 37 CFR §1.98, accompanying this IDS is Form PTO/SB/08 and a copy of each reference listed therein, EXCEPT those references:

- In accordance with 37 CFR §1.98(d)(1), previously submitted in parent application __/___, to which the present application claims priority under USC §120; or
- In accordance with 37 CFR §1.98 (a)(2)(ii), U.S. patent and patent application publications.

The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor and the information in his file.

Respectfully submitted,


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Dated: April 6, 2009

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on April 6, 2009.

Dated: April 6, 2009


Kevin L. Russell